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HERBALIFE INTERNATIONAL, INC.

12 ADDITIONAL COUNSEL LISTED ON SIGNATURE PAGE

13
14 UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
15 SAN JOSE DIVISION

16 UNITHER PHARMA, INC. and
THE BOARD OF TRUSTEES OF THE
17 LELAND STANFORD JUNIOR UNIVERSITY,

18 Plaintiffs and Counter-Defendants,

19 v.

20 HERBALIFE INTERNATIONAL, INC.,

21 Defendant and Counter-Claimant.

22 HERBALIFE INTERNATIONAL, INC.

23 Plaintiff and Counter-Defendant,

24 v.

25 UNITHER PHARMA, INC., THE BOARD OF
TRUSTEES OF THE LELAND STANFORD
26 JUNIOR UNIVERSITY, and NEW YORK
MEDICAL COLLEGE,

27 Defendants and Counter-Claimants.

Case Nos. C03-5090 JW, C03-5878 JW, and
Related Case Nos. C02-05284 JW, C03-0415
JW

**JOINT CASE MANAGEMENT
STATEMENT AND [PROPOSED] CASE
MANAGEMENT ORDER**

1 A Case Management Conference is presently scheduled for October 2, 2006 in the related
2 litigations between Unither and Herbalife (Case Nos. C03-5090 JW and C03-5878 JW), and the
3 last date for filing summary judgment motions is presently scheduled for October 30, 2006 with a
4 hearing date calendared for December 11, 2006.

5 The parties have been actively engaged in settlement negotiations, and are currently
6 drafting a definitive agreement. Accordingly, the parties request that the Case Management
7 Conference be taken off calendar, and that the filing and hearing dates for summary judgment
8 motions be continued.

9 Dated: September 12, 2006

FISH & RICHARDSON P.C.

10
11 By: /s/ Karen I. Boyd
12 Karen I. Boyd

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29 UNITHER PHARMA, INC. AND THE
30 BOARD OF TRUSTEES OF THE LELAND
31 STANFORD JUNIOR UNIVERSITY

1 Dated: September 12, 2006

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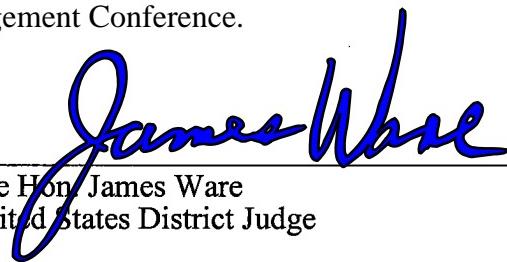
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2 **[PROPOSED] CASE MANAGEMENT ORDER**
3

4 For good cause shown, the Case Management Conference in the above captioned cases,
5 presently scheduled for October 2, 2006, is taken off the calendar and the filing and hearing dates
for summary judgment motions are continued.

6 IT IS SO ORDERED. The parties shall appear on November 27th, 2006 at 10:00 am for a
7 further Case Management Conference.
8

DATED: 09/14/2006

9 _____
10 The Hon. James Ware
11 United States District Judge
12



DECLARATION OF CONSENT

I, Karen I. Boyd, hereby attest:

1. Concurrence in the filing of the following document has been obtained from each of the other signatories, which shall serve in lieu of their signatures on the document:

JOINT CASE MANAGEMENT STATEMENT AND [PROPOSED] CASE MANAGEMENT ORDER

2. I shall maintain records to support this concurrence for subsequent production for the Court if so ordered or for inspection upon request by a party until one year after final resolution of the action pursuant to General Order 45 of the United States District Court for the Northern District of California.

I declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct. Executed in Redwood City, California on September 12, 2006.

Dated: September 12, 2006

FISH & RICHARDSON P.C.

By: /s/ Karen I. Boyd
Karen I. Boyd

Attorneys for Plaintiffs
UNITHER PHARMA, INC., THE BOARD OF
TRUSTEES OF THE LELAND STANFORD
JUNIOR UNIVERSITY, and NEW YORK
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